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18 **UNITED STATES DISTRICT COURT**  
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 U.S. EQUAL EMPLOYMENT  
21 OPPORTUNITY COMMISSION,

22 Plaintiff,

23 vs.

24 MEATHEAD MOVERS, INC., and  
25 DOES 1-10, inclusive,

26 Defendants.

Case No.:

**COMPLAINT—ADEA  
CIVIL RIGHTS/EMPLOYMENT  
DISCRIMINATION**

**JURY TRIAL DEMAND**

### **NATURE OF THE ACTION**

1  
2  
3  
4 1. This is an action under the Age Discrimination in Employment Act of  
5 1967, as amended, 29 U.S.C. §§ 621, *et seq.* (“ADEA”), to correct unlawful  
6 employment practices on the basis of age and to provide appropriate relief to a  
7 class of aggrieved individuals who were adversely affected by such practices  
8 because of their age (40 and over). As set forth with greater particularity below,  
9 Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff”,  
10 “EEOC”, or “Commission”) alleges that since at least 2017, Defendant Meathead  
11 Movers, Inc., a moving, packing, and storage company, and DOES 1-10  
12 (“Defendant” or “Meathead Movers”) intentionally failed to recruit and hire  
13 individuals within the protected age group (40 and over) in violation of the ADEA.  
14 Plaintiff further alleges that since at least 2017, Defendant engaged in advertising  
15 to deter individuals in the protected age group from applying for positions with  
16 Defendant. Plaintiff seeks relief for a class of individuals that were deterred from  
17 seeking employment because of their age (40 and over) or denied employment  
18 because of their age (40 and over), in moving, packing, and customer service  
19 positions. As a result of Defendant’s unlawful practices, Claimants suffered lost  
20 wages.

### **JURISDICTION AND VENUE**

21 2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
22 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to  
23 Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended,  
24 29 U.S.C. § 626(b) (“the ADEA”), which incorporates by reference Sections 16(c)  
25 and 17 of the Fair Labor Standards Act of 1983, as amended, 29 U.S.C. §§ 216(c)  
26 and 217 (“the FLSA”).

27 3. The employment practices alleged to be unlawful were and are now  
28

1 being committed within the jurisdiction of the United States District Court for the  
2 Central District of California, pursuant to 28 U.S.C. § 1391(b).

### 3 PARTIES

4 4. Plaintiff EEOC is the agency of the United States of America charged  
5 with the administration, interpretation, and enforcement of the ADEA. The EEOC  
6 is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C.  
7 § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat.  
8 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

9 5. At all relevant times, Meathead Movers has continuously been a  
10 California corporation doing business throughout the State of California. Meathead  
11 Movers is headquartered in San Luis Obispo County and provides moving,  
12 packing, and storage services across California.

13 6. At all relevant times, Defendant has continuously had at least twenty  
14 employees.

15 7. At all relevant times, Meathead Movers has continuously been an  
16 “employer” engaged in an industry affecting commerce within the meanings of  
17 Sections 11 (b), (g), and (h) of the ADEA, 29 U.S.C. § 630(b), (g), and (h).

18 8. All of the acts and failures to act alleged herein were duly performed  
19 by and attributable to all Defendants, each acting as a successor, agent, alter ego,  
20 employee, indirect employer, joint employer, integrated enterprise and/or under the  
21 direction and control of the others, except as specifically alleged otherwise. Said  
22 acts and failures to act were within the scope of such agency and/or employment,  
23 and each Defendant participated in, approved and/or ratified the unlawful acts and  
24 omissions by the other Defendants complained of herein. Whenever and wherever  
25 reference is made in this Complaint to any act by a Defendant or Defendants, such  
26 allegations and reference shall also be deemed to mean the acts and failures to act  
27 of each defendant acting individually, jointly, and/or severally.

28 9. Plaintiff is ignorant of the true names and capacities of each defendant

sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said defendants by fictitious names. Plaintiff reserves the right to amend the complaint to name each DOE defendant individually or corporately as it becomes known. Plaintiff alleges that each DOE defendant was in some manner responsible for the acts and omissions alleged herein and Plaintiff will amend the complaint to allege such responsibility when the same shall have been ascertained by Plaintiff.

### **ADMINISTRATIVE PROCEDURES**

10. More than thirty days prior to the institution of this lawsuit, the Local Director of the EEOC Fresno Local Office initiated an investigation of Meathead Movers' employment practices and compliance with the ADEA, issuing a Directed Charge of Discrimination pursuant to 29 U.S.C. § 626 and 29 C.F.R. §§ 1626.4, 1626.15.

11. On August 22, 2019, the EEOC issued a Letter of Determination finding reasonable cause to believe that Meathead Movers subjected a class of individuals age 40 and over to a pattern or practice of discriminatory recruitment and hiring based on age (40 and over), in violation of the ADEA. The EEOC further found that Meathead Movers chilled and/or deterred individuals age 40 and over from seeking and/or obtaining employment because of their age (40 and over) in violation of the ADEA.

12. Prior to the institution of this lawsuit, the EEOC engaged in efforts to provide Defendant the opportunity to remedy the unlawful employment practices and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference, and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

13. The EEOC was unable to secure from Defendant a conciliation agreement acceptable to the EEOC.

14. On June 17, 2021, the EEOC issued a Notice of Failure of Conciliation to Defendant.

1           15. All conditions precedent to the institution of this lawsuit have been  
2 met.

3                                   **STATEMENT OF CLAIMS**

4           16. Meathead Movers is a company providing packing, moving, and  
5 storage services throughout California.

6           17. Meathead Movers describes itself as “Student Athlete Movers.”

7           18. Since at least 2017, Defendant has regularly and purposefully  
8 discriminated on the basis of age including but are not limited to, a pattern or  
9 practice of discrimination against qualified prospective and actual applicants in the  
10 protected age group because of their age in hiring and recruitment for moving,  
11 packing, and customer service positions companywide.

12           19. Defendant has engaged in the following unlawful recruitment, hiring,  
13 and advertising practices:

14           a. Since at least 2017, Meathead Movers has systematically and  
15 intentionally engaged in specifically recruiting individuals under  
16 age 40 into moving, packing, and customer service positions  
17 companywide, to the exclusion of qualified individuals in the  
18 protected age group. Defendant failed to recruit qualified  
19 applicants in the protected age group for the positions sought  
20 because of their age.

21           b. Since at least 2017, Meathead Movers has systematically and  
22 intentionally failed to hire to applicants age 40 and over into  
23 moving, packing, and customer service positions companywide.  
24 Defendant denied employment to qualified applicants in the  
25 protected age group for the positions sought because of their age.

26           c. Since at least 2017, Defendant has printed, or caused to be printed  
27 or published, advertisements relating to employment with  
28 Meathead Movers which indicate a preference, specification, or

1 limitation based on age, in violation of Section 4(e) of the ADEA,  
2 29 U.S.C. § 623(e).

3 20. Since 2017, Meathead Movers has hired thousands of new employees.

4 21. Defendant's recruitment practices disproportionately target  
5 individuals under age 40 and exclude individuals in the protected age group from  
6 being recruited.

7 22. Since at least 2017, Defendant has maintained a standard operating  
8 procedure of denying employment to applicants in the protected age group.

9 23. Defendant's hiring of employees in the protected age group is well  
10 below the expected hiring of applicants in the protected age group based on the  
11 applications submitted and/or local availability data. The disparity is statistically  
12 significant across moving, packing, and customer service positions.

13 24. Meathead Movers has maintained explicit and implicit hiring and  
14 recruitment practices to hire young individuals and exclude applicants in the  
15 protected age group, which individually and together operate to create and  
16 maintain a company and company "culture" composed of young employees.  
17 These companywide hiring and recruitment practices include but are not limited to:

- 18 a. branding itself as a company that hires and employs "Student  
19 Athlete Movers";
- 20 b. exclusively depicting young individuals in Meathead Movers  
21 marketing, recruitment, and training materials online, including on  
22 its website, social media, physical merchandise, and posters in  
23 Meathead Movers' physical workplaces;
- 24 c. hiring externally only for entry-level positions in moving, packing,  
25 and customer service, and promoting from within;
- 26 d. instructing employees, mostly individuals in their 20s, to recruit  
27 prospective applicants "where you would hang out" and to seek out  
28 student athletes at local gyms and colleges;

- e. offering incentives to employees that successfully recruit suitable applicants via word-of-mouth;
- f. requiring prospective applicants to submit applications in-person at a Meathead Movers facility;
- g. seeking information regarding school enrollment in employment applications;
- h. applying subjective hiring criteria, including encouraging hiring officials to look for “culture fits,” whereby “cultural fit” is proxy for young age, resulting in the screening out of applicants in the protected age group;
- i. excluding applicants with moving experience, resulting in exclusion of qualified applicants in the protected age group; and
- j. advertising minimal qualifications for entry-level positions in moving, packing, and customer service, while hiring officials apply objective and subjective hiring criteria differently to young applicants and applicants in the protected age group. For example, advertising “flexible hours” that “work with your school schedule” but rejecting an applicant in the protected age group during the interview process because the applicant was unavailable part of one day per week.

25. Since at least 2017, Meathead Movers has repeatedly made statements and representations that demonstrate its preference for young workers and that the exclusion of older workers is intentional. These unlawful practices include, but are not limited to, the following:

- a. Meathead Movers encourages hiring officials to screen out applicants in the protected age group throughout the application process, including at the resume selection stage, the phone interview stage, and the in-person interview stage;

- 1           b. Meathead Movers’ founders and executive management have made  
2           numerous public statements that Meathead Movers hires students  
3           and young people and describe “young and energetic-student  
4           athletes” as part of their founding vision. Meathead Movers markets  
5           its moving services as superior because it employs college students,  
6           many under age 25;
- 7           c. Since at least 2017, Meathead Movers’ hiring officials repeatedly  
8           told unsuccessful older applicants that they were older than  
9           Meathead Movers’ employees and asked how they felt “about  
10          working with younger employees;”
- 11          d. Since at least 2017, Meathead Movers’ hiring officials repeatedly  
12          told unsuccessful older applicants for moving, packing, and/or  
13          customer service positions that Meathead Movers only hires  
14          “young” people or “college-aged” students and athletes. For  
15          example, Meathead Movers’ hiring officials told applicants during  
16          job interviews that Meathead Movers only hires students, but a  
17          qualified student applicant in the protected age group was rejected  
18          because he was “older than most of the students [they] hire;”
- 19          e. Meathead Movers excluded qualified applicants in the protected age  
20          group from moving, packing, and customer service positions. For  
21          example, a Meathead Movers hiring official told an unsuccessful  
22          older applicant that because of the heavy lifting, he was looking for  
23          younger people; and
- 24          f. Meathead Movers’ hiring officials used stereotypes to exclude older  
25          workers from moving, packing, and customer service positions by  
26          repeatedly concluding older workers were not a “cultural fit” or  
27          were “not Meathead Movers material” due to their age. For  
28          example, interview notes regarding an applicant in the protected age



1 group state, “I feel like [she] is very qualified for the position. Her  
2 prior experience would suggest she will excel in her position here. I  
3 do think she is a little intimidated by the age of the employees who  
4 work here. And although I personally think it is  
5 immoral/unethical[,] I do not think she is a good cultural fit *because*  
6 *of her age.*” (emphasis added).

7 26. Since at least 2017, Defendant has printed, or caused to be printed or  
8 published, advertisements relating to employment with Meathead Movers which  
9 indicate a preference, specification, or limitation based on age, in violation of  
10 Section 4(e) of the ADEA, 29 U.S.C. § 623(e). These companywide unlawful  
11 employment practices include, but are not limited to:

- 12 a. branding Meathead Movers as “Student Athlete Movers” and  
13 defining “a Meathead” as a local college student, which deters  
14 individuals in the protected age group from seeking employment  
15 because of their age by signaling that Meathead Movers only hires  
16 students, the majority which are not in the protected age group;
- 17 b. publishing or causing to be published advertisements and marketing  
18 materials stating Meathead Movers employs “student-athletes”,  
19 which expresses a preference, specification, or limitation based on  
20 age for hiring young persons, and deters individuals in the protected  
21 age group from seeking employment because of their age;
- 22 c. publishing images of young individuals in Meathead Movers  
23 marketing and recruitment materials, including company signs,  
24 commercials, website, social media, and physical merchandise,  
25 which deters individuals in the protected age group from seeking  
26 employment because of their age by signaling that Meathead  
27 Movers only employs young people; and  
28

1 d. requesting information regarding school schedules and classwork in  
2 job-interest forms and employment applications and publishing job  
3 descriptions directed at a young workforce such as that Meathead  
4 Movers offers “flexible hours” that “work with your school  
5 schedule.”

6 27. Since at least 2017, these unlawful practices have had a significant  
7 deterrent effect on individuals in the protected age group, resulting in Meathead  
8 Movers’ failure to hire qualified prospective and actual applicants in the protected  
9 age group into moving, packing, and customer service positions companywide  
10 because of their age (40 and over).

11 28. Since at least 2017, these unlawful practices have resulted in a pattern  
12 or practice of failing to hire applicants in the protected age group into moving,  
13 packing, and customer service positions companywide because of their age (40 and  
14 over).

15 29. Since at least 2017, the protected age group’s representation in  
16 Meathead Movers’ pool of applicants was below what would be expected given the  
17 protected age group’s representation in the relevant geographic regions and  
18 occupations.

19 30. Meathead Movers’ specific policies and practices cannot be justified  
20 by any reasonable or legitimate business purpose for a moving, packing, and  
21 storage company, other than maintaining its young workforce.

22 31. These unlawful employment practices complained of in paragraphs 16  
23 to 30 above were sufficiently frequent to be Defendant’s regular procedure or  
24 practice and constitute a pattern or practice of resistance to the full enjoyment of  
25 rights protected under the ADEA.

26 32. The effect of the unlawful employment practices complained of in  
27 paragraphs 16 to 30 above has been to deprive a class of qualified individuals in  
28 the protected age group of equal employment opportunities and otherwise to affect

1 adversely their status as potential applicants or employees, because of their age (40  
2 and over).

3 33. The unlawful employment practices complained of in paragraphs 16  
4 to 30 above were and are intentional and willful within the meaning of Section 7(b)  
5 of the ADEA, 29 U.S.C. § 626(b).

6 **PRAYER FOR RELIEF**

7 Wherefore, the EEOC respectfully requests that this Court:

8 A. Grant a permanent injunction enjoining Defendant, its officers,  
9 agents, servants, employees, attorneys, successors, assigns, and all persons in  
10 active concert or participation with them, from engaging in any employment  
11 practices that discriminate on the basis of age (40 and over).

12 B. Grant a permanent injunction enjoining Defendant, its officers,  
13 agents, servants, employees, attorneys, successors, assigns, and all persons in  
14 active concert or participation with them, from printing, or causing to be printed  
15 or published, notices or advertisements relating to employment with Meathead  
16 Movers which indicate a preference, specification, or limitation based on age.

17 C. Order Defendant to institute and carry out policies, practices, and  
18 programs which provide equal employment opportunities for individuals in the  
19 protected age group, and which eradicate the effects of its past and present  
20 unlawful employment practices on the basis of age.

21 D. Order Defendant to make whole a class of qualified aggrieved  
22 individuals age 40 and over adversely affected by Defendant's discriminatory  
23 practices in violation of the ADEA by providing:

24 1. Appropriate back pay, including benefits, with prejudgment  
25 interest, in amounts to be determined at trial, and other affirmative relief  
26 necessary to eradicate the effects of its unlawful employment practices; and

27 2. Liquidated damages in an amount equal to the backpay amount  
28 for Defendant's willful violation of the ADEA.

1 E. Award the EEOC its costs of this action.

2 F. Grant such further relief as the Court deems necessary and proper in  
3 the public interest.

4 **JURY TRIAL DEMAND**

5 The EEOC requests a jury trial on all questions of fact raised by its  
6 Complaint.

7  
8 Dated: September 29, 2023

Respectfully Submitted,

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10 Deputy General Counsel

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